

Calendar No. 338

114TH CONGRESS
1ST SESSION**H. R. 373****[Report No. 114–193]**

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2015

Received; read twice and referred to the Committee on Energy and Natural
Resources

DECEMBER 16, 2015

Reported by Ms. MURKOWSKI, without amendment

AN ACT

To direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Samaritan
5 Search and Recovery Act”.

1 **SEC. 2. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELIGIBLE.—The term “eligible”, with re-
4 spect to an organization or individual, means that
5 the organization or individual, respectively, is—

6 (A) acting in a not-for-profit capacity; and

7 (B) composed entirely of members who, at
8 the time of the good Samaritan search-and-re-
9 covery mission, have attained the age of major-
10 ity under the law of the State where the mis-
11 sion takes place.

12 (2) GOOD SAMARITAN SEARCH-AND-RECOVERY
13 MISSION.—The term “good Samaritan search-and-
14 recovery mission” means a search conducted by an
15 eligible organization or individual for 1 or more
16 missing individuals believed to be deceased at the
17 time that the search is initiated.

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior or the Secretary of Ag-
20 riculture, as applicable.

21 (b) PROCESS.—

22 (1) IN GENERAL.—Each Secretary shall develop
23 and implement a process to expedite access to Fed-
24 eral land under the administrative jurisdiction of the
25 Secretary for eligible organizations and individuals

1 to request access to Federal land to conduct good
2 Samaritan search-and-recovery missions.

3 (2) INCLUSIONS.—The process developed and
4 implemented under this subsection shall include pro-
5 visions to clarify that—

6 (A) an eligible organization or individual
7 granted access under this section—

8 (i) shall be acting for private pur-
9 poses; and

10 (ii) shall not be considered to be a
11 Federal volunteer;

12 (B) an eligible organization or individual
13 conducting a good Samaritan search-and-recov-
14 ery mission under this section shall not be con-
15 sidered to be a volunteer under section
16 102301(c) of title 54, United States Code;

17 (C) chapter 171 of title 28, United States
18 Code (commonly known as the “Federal Tort
19 Claims Act”), shall not apply to an eligible or-
20 ganization or individual carrying out a privately
21 requested good Samaritan search-and-recovery
22 mission under this section; and

23 (D) chapter 81 of title 5, United States
24 Code (commonly known as the “Federal Em-
25 ployees Compensation Act”), shall not apply to

1 an eligible organization or individual conducting
2 a good Samaritan search-and-recovery mission
3 under this section, and the conduct of the good
4 Samaritan search-and-recovery mission shall
5 not constitute civilian employment.

6 (c) RELEASE OF FEDERAL GOVERNMENT FROM LI-
7 ABILITY.—The Secretary shall not require an eligible or-
8 ganization or individual to have liability insurance as a
9 condition of accessing Federal land under this section, if
10 the eligible organization or individual—

11 (1) acknowledges and consents, in writing, to
12 the provisions described in subparagraphs (A)
13 through (D) of subsection (b)(2); and

14 (2) signs a waiver releasing the Federal Gov-
15 ernment from all liability relating to the access
16 granted under this section and agrees to indemnify
17 and hold harmless the United States from any
18 claims or lawsuits arising from any conduct by the
19 eligible organization or individual on Federal land.

20 (d) APPROVAL AND DENIAL OF REQUESTS.—

21 (1) IN GENERAL.—The Secretary shall notify
22 an eligible organization or individual of the approval
23 or denial of a request by the eligible organization or
24 individual to carry out a good Samaritan search-

1 and-recovery mission under this section by not later
2 than 48 hours after the request is made.

3 (2) DENIALS.—If the Secretary denies a re-
4 quest from an eligible organization or individual to
5 carry out a good Samaritan search-and-recovery mis-
6 sion under this section, the Secretary shall notify the
7 eligible organization or individual of—

8 (A) the reason for the denial of the re-
9 quest; and

10 (B) any actions that the eligible organiza-
11 tion or individual can take to meet the require-
12 ments for the request to be approved.

13 (e) PARTNERSHIPS.—Each Secretary shall develop
14 search-and-recovery-focused partnerships with search-and-
15 recovery organizations—

16 (1) to coordinate good Samaritan search-and-
17 recovery missions on Federal land under the admin-
18 istrative jurisdiction of the Secretary; and

19 (2) to expedite and accelerate good Samaritan
20 search-and-recovery mission efforts for missing indi-
21 viduals on Federal land under the administrative ju-
22 risdiction of the Secretary.

23 (f) REPORT.—Not later than 180 days after the date
24 of enactment of this Act, the Secretaries shall submit to
25 Congress a joint report describing—

1 (1) plans to develop partnerships described in
2 subsection (e)(1); and
3 (2) efforts carried out to expedite and accel-
4 erate good Samaritan search-and-recovery mission
5 efforts for missing individuals on Federal land under
6 the administrative jurisdiction of each Secretary
7 pursuant to subsection (e)(2).

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